

Message Text

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ACTION ST-01

INFO OCT-01 EUR-12 ISO-00 L-03 SCA-01 EB-07 SSO-00 /025 W
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O R 191642Z DEC 75

FM AMEMBASSY LONDON

TO SECSTATE WASHDC IMMEDIATE 7568

INFO USDOC WASHDC

UNCLAS LONDON 19520

FOR: OPR/ST/HITE

OIM, DEPT OF COMMERCE/MOORHOUSE

E.O. 11652: N/A

TAGS: ASUP U.K.

SUBJECT: CONTRACT APPEAL - HERBERT ILYA MEYER

REF: STATE 297346

1. EMBASSY APPRECIATES THE EXTENSION OF THE REPLY DATE TO FEBRUARY 18, 1976.
2. WITH REGARD TO REFTEL, THE EMBASSY ADVISES AGAINST TAKING ANY STEPS TO NEGOTIATE A SETTLEMENT WITH THE CLAIMANT AND/OR HIS ENGLISH SOLICITORS ON THE BASIS OF ADMINISTRATIVE COST SAVINGS TO THE GOVERNMENT. THE

EMBASSY HAS ALREADY RECEIVED CORRESPONDENCE FROM THE PRIME CONTRACTOR AND TWO SUB-CONTRACTORS WHO WORKED ON THIS PROJECT CONCERNING ADDITIONAL PAYMENTS. THESE LETTERS CONCERN CLAIMS FOR ADDITIONAL PAYMENTS. TO RE-OPEN NEGOTIATIONS WITH MEYER COULD EASILY RESULT IN ENCOURAGING OTHER ADDITIONAL CLAIMS AGAINST THE GOVERNMENT.

3. IT IS NOTED THAT MEYER'S COMPLAINT IS NOT AN APPEAL AGAINST THE CONTRACTING OFFICER'S FINAL DECISION BUT A NEW CLAIM. THE AMOUNT CLAIMED DIFFERS SUBSTANTIALLY FROM THE ORIGINAL CLAIM REJECTED BY THE CONTRACTING OFFICER.

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4. IN ASBCA'S CONSIDERATION OF THE CLAIM, THE
EMBASSY RECOMMENDS ENGLISH LAW SHOULD BE CONSIDERED
IN THE BOARD'S FINDINGS FOR THE FOLLOWING REASONS:-

A. CONTRACT WAS NEGOTIATED IN ENGLAND;

B. WORK WAS PERFORMED IN ENGLAND;

C. MEYER, ALTHOUGH AN AMERICAN CITIZEN, HAS HIS
FIRM LICENSED AND CARRIES ON HIS BUSINESS IN
ENGLAND AND;

D. MEYER IS MEMBER OF ENGLISH PROFESSIONAL
ORGANIZATIONS AND BASES HIS CLAIM ON THE CUSTOMARY
FEES RECOMMENDED BY THESE BODIES.

5. BEFORE CONTACTING RAMSEY BY TELEPHONE,
ROBERTSON SUGGEST HE REVIEW AND CONSIDER HIS
GENERAL COMMENTS, COPY WHICH IS BEING FORWARDED TO
OPR/ST TODAY BY AIR POUCH.

RICHARDSON

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